

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ESTEVAN FLORES aka  
ALEJANDRO GASPAR,  
Petitioner,**

**v.**

**No. 06cv1237 RB/LCS**

**JAMES JANECKA,**

**Respondent.**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** comes before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition, filed October 30, 2007 (*Doc. 34*). Petitioner filed objections on November 19, 2007 (*Doc. 37*). Respondent filed no objections. Pursuant to 28 U.S.C. § 636(b)(1), I have conducted a *de novo* review of the entire file and find Petitioner's objections to be without merit. The Court further finds the Proposed Findings and Recommended should be adopted.

The Court believes it worth mentioning that Petitioner's objections include a claim that he should be allowed to overcome the time bar in order to correct a manifest injustice (*Doc. 37*). Petitioner contends that his lawyer promised him, as a stipulation of the plea agreement, petitioner would be "sent to an 'out door' [sic] drug program in Texas called Cenekor" and that is the main reason he entered into a plea agreement. Petitioner claims that because he is not "allowed to enjoy this stipulation" that the plea agreement is null and void and a manifest injustice has occurred. *Id.* at 2.

The Supreme Court has held that a prisoner does not have a constitutional right to choose his place of confinement. *Meachum v. Fano*, 427 U.S. 215, 224 (1976) (holding that a prisoner has

no constitutional right to choose his place of confinement and may be transferred for any reason or no reason at all). *See also* Robinson v. Benson, 570 F.2d 920, 923 (10th Cir. 1978)(“it is clear that the Attorney General pursuant to 18 U.S.C § 4082(b) has authority to transfer a prisoner from one place fo confinement to another for any reason whatsoever or for no reason at all.”). Therefore, the Court does not believe that there is a “manifest injustice” that rises to a sufficient level to disregard the time bar.

**IT IS HEREBY ORDERED** that the Magistrate Judge’s Proposed Findings and Recommended Disposition filed October 20, 2007 (Doc. 34) are adopted by the Court.

A Judgment consistent with this Order shall be issued forthwith.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Robert Brack", written in a cursive style.

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**ROBERT C. BRACK**  
**UNITED STATES DISTRICT JUDGE**